

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RUFUS WEST,

Plaintiff,

v.

Case No. 06-C-0068

JOHN KUSSMAUL, *et al.*,

Defendants.

ORDER

Plaintiff Rufus West, a prisoner at the Wisconsin Secure Program Facility in Boscobel, Wisconsin, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. The court dismissed plaintiff's original complaint for violations of Fed. R. Civ. P. 8(a) but granted plaintiff leave to replead. (Order of Feb. 13, 2006 at 5.) Plaintiff filed an amended complaint which the court allowed to proceed insofar as it stated an Eighth Amendment claim against Defendants Haines, Berge, Escandell, Huibregste and Boughton. (Order of May 31, 2006.)

Plaintiff has now moved for leave to file a second amended complaint. However, plaintiff has submitted only a photocopy of his proposed second amended complaint. Fed. R. Civ. P. 11(a) requires pleadings to be signed by the party. This is more than a matter of form, since a signed pleading subjects a litigant to possible sanctions if it is later found the pleading was intended for an improper purpose. A photocopy of the party's signature does not suffice. Accordingly, the court will strike plaintiff's proposed second amended complaint. *See* Fed. R. Civ. P. 11(a), Advisory Committee Note to 1993 amendment. In the event plaintiff decides to file a properly signed second

amended complaint, he should indicate in what respects his second amended complaint is different from his first. The court has already entered a screening order as to plaintiff's first amended complaint pursuant to 28 U.S.C. § 1915A. Absent a substantive difference in the pleadings, another screening order should not be needed.

IT IS THEREFORE ORDERED that plaintiff's proposed second amended complaint is stricken.

Dated this 2nd day of August, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge